IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.602 OF 2003

Mr.Hussain Y. Sawant. ...Petitioner.
Vs.
The Secretary to the Govt. of Maharashtra,
Home Department & Ors. ...Respondents.
....
Ms. A.R. Lambey i/b. Lambay & Co. for the Petitioner.
Mr. L.T. Satelkar, AGP for the Respondents.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 14, 2004.

P.C.:

1. The petitioner was working in the Indian Police Force and retired as Deputy Superintendent of Police on superannuation on 15th July 1969 from the Usmanabad District. The grievance of the petitioner is that he is being denied his legitimate dues of pension.

2. In pursuance to the show-cause notice issued by this Court, reply affidavit has been filed. In reply-affidavit, it is mentioned that the petitioner has acquired permanent citizenship of Pakistan and, therefore, he will not be entitled to any allowance on basic pension as per the Guidelines issued on 24th February, 1982 by the Ministry of Defence, Government of India, and he

would only be entitled to basic pension.

3. It is well settled that basic pension and allowances are paid for the past services rendered by a Government servant. The mere fact that he has acquired citizenship of another country cannot be a ground to deny him his legitimate pension. The respondents are not justified in withholding the allowances of the petitioner.

4. We direct the respondents to pay all allowances which are due and payable to the petitioner, as early as possible and in any event within four weeks from today.

5. In case there is no compliance of this order within the stipulated period, the petitioner would be at liberty to revive the petition. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.